

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

IMPORTANT MEDIATION INFORMATION

Mediation Date: _____

Mediation Time: _____

Mediation Place: _____

1. Mediation is an ORDER of this court.

You have been ordered to attend mediation. This is similar to being ordered to attend a court hearing. You must attend. Failure to comply with this order of the court and attend mediation will result in further court action, in addition to the fees set forth in the Order on Appointment of Mediator.

2. How does mediation work?

Mediation is a process where parties try to resolve a dispute without the hostility that is sometimes associated with going to court. In mediation, the parties meet in a private, confidential setting to work out solutions to their problems with the help of a certified, neutral mediator. A mediator does not decide who is right or wrong. The mediator does not force the parties to reach agreement or to accept particular settlement terms. The mediator helps each side to better understand their situation. The mediator encourages the parties to create solutions that meet their individual needs.

3. What issues will be discussed in mediation?

You are being ordered to mediation because you have minor children who will be impacted by your court action and the decisions you make at this time. At first, you should try to work out all issues that have to do with your child(ren). After that, you are encouraged to try to resolve any other issues that remain, such as debts and property matters.

4. What should you do if you MUST reschedule your mediation?

Since you agreed upon the date and time for the mediation, you should not have to reschedule it. However, if something entirely unexpected comes up and you have no other choice but to reschedule, you must contact the mediator directly as soon as you are aware of the need to reschedule. Do NOT call the court to reschedule. Do NOT file a Motion with the court to reschedule your meditation. Instead, cooperate with your mediator and the other party to find an acceptable new date and time. The mediator will contact the court with the new mediation date and time. NOTE: THE MEDIATOR HAS SET ASIDE TIME FOR YOUR MEDIATION SESSION. FAILURE TO APPEAR AT MEDIATION WILL RESULT IN YOU BEING CHARGED FOR THE MEDIATOR'S TIME.

5. What about payment?

Unless the court ordered payment through the GAL/Mediator Fund, you **MUST** pay for mediation **ON THE DAY** of each session. Mediation costs \$60 per hour, divided between the parties as set forth on the Order on Appointment of Mediator. For the first mediation session, you should plan on two hours (\$120), though it could go longer if all parties agree. If the court ordered payment through the GAL/Mediator Fund, you do not need to bring money to the mediation session. You will need to reimburse the Fund as outlined on the Order on Appointment of Mediator.

6. What should you do if you thought you could afford mediation but now do not think you can afford it?

At the First Appearance, you were given the opportunity to fill out a financial affidavit to see if you qualify for the GAL/Mediator Fund. If you did not fill out the financial affidavit then, but now think you cannot afford mediation, you should go to the court immediately to file a Motion in which you request payment from the Fund. You will also have to fill out a financial affidavit. If the Judge grants your Motion, you will not have to take any money to your mediation session. If your motion is denied, you will have to pay at each mediation session. **IF THIS IS YOUR SITUATION, DO NOT DELAY. UNLESS OR UNTIL THE COURT FINDS YOU ELIGIBLE FOR THE MEDIATION FUND, YOU ARE OBLIGATED TO PAY FOR YOUR SCHEDULED MEDIATION ON THE DAY OF EACH SESSION.**

7. What should you take to mediation?

The more prepared you are for mediation, the better. This will save you time and money in mediation. As it says on the Order on Appointment of Mediator, you should send a copy of your financial affidavit to the mediator 7 days in advance of the mediation. When you go to your mediation session, you should take copies of financial records, such as tax bills, income tax filings, and whatever else your mediator asks you to bring.

8. How does your attorney factor in to mediation?

There is not just one answer to this question. It really depends on what you want and how you and your attorney decide to proceed. Perhaps your attorney will review your mediated agreement after mediation has completed, to discuss all legal issues as they impact you. Perhaps you will meet with your attorney after each mediation session to discuss the legal issues related to your mediation. Perhaps, if all parties agree, your attorney will attend the mediation sessions with you. Work with your mediator and your attorney to explore how best to incorporate your attorney into your mediation process. **NOTE: YOU SHOULD NOT SIGN ANY AGREEMENT UNLESS YOU HAVE HAD IT REVIEWED BY AN ATTORNEY.**

9. What if mediation does not work out?

If mediation does not work out for you or for the other parent, the mediator will let the court know by filing a Mediation Report at the end of the mediation session(s). The court will then schedule the next necessary hearing in your case.